

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court SD/TX (Houston Division) on the following

☒ Trademarks or ☐ Patents. ( ☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. H-11-915	DATE FILED 3/11/2011	U.S. DISTRICT COURT SD/TX (Houston Division)
PLAINTIFF Street Star Designs, LLC		DEFENDANT Gregory et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 3,693,504		Copy of Complaint mailed to Trademark Office
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK David Bradley	(BY) DEPUTY CLERK Mary Mapps	DATE 3/15/2011
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

STREET STAR DESIGNS, LLC

Plaintiff,

vs.

M. ALAN GREGORY and  
BAGGER CONCEPTS,

Defendants.

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Civil Action No. \_\_\_\_\_

**ORIGINAL COMPLAINT**

Plaintiff Street Star Designs, LLC ("Street Star" or "Plaintiff"), through their undersigned counsel, file this Original Complaint against Defendants M. Allan Gregory and Bagger Concepts (collectively, "Defendants") requesting damages and injunctive relief, and upon personal knowledge as to its own acts and circumstances, and upon information and belief as to the acts and circumstances of others, alleges as follows:

**I.  
NATURE OF ACTION**

1. This is an action for trademark infringement and false designation of origin and false advertising under the Lanham Act (15 U.S.C. §§ 1114, 1116, 1117, 1125(a)); copyright infringement under the United States Copyright Act (17 U.S.C. § 501 *et seq.*); patent infringement of the patent laws of the United States (35 U.S.C. § 101 *et seq.*); injury to business reputation and trademark dilution under Section 16.29 of the Texas Business and Commerce Code; and trademark infringement, unfair competition and unjust enrichment under the common law of the United States as well as state law causes of action for breach of the company agreement, misappropriation of trade

secrets, breach of duties of loyalty and care, and a suit for an accounting.

**II.**  
**JURISDICTION & VENUE**

2. Jurisdiction over the parties and subject matter on this action is proper in this Court pursuant to 15 U.S.C. § 1121 (actions arising under the Lanham Act), Title 35 of the United States Code (actions arising under patent laws of United States), 28 U.S.C. § 1331 (actions arising under the laws of the United States), 28 U.S.C. § 1338(a) (actions arising under an Act of Congress relating to patents, copyrights and trademarks). The Court has supplemental jurisdiction over the claims in this Complaint that arise under statutory and common law pursuant to 28 U.S.C. § 1367(a).

3. This Court has personal jurisdiction over the Defendants because they do business and/or reside in the State of Texas.

4. Venue is properly founded in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendants reside in this District, may be found in this District, and/or a substantial part of the events giving rise to the claims in this action occurred within this District.

**III.**  
**PARTIES**

5. Plaintiff Street Star Designs, LLC is a limited liability company duly organized and existing under the laws of the State of Texas with a principal place of business located in Harris County, Texas.

6. Defendant M. Alan Gregory is an individual residing in Houston, Texas. Defendant M. Alan Gregory is believed to be the owner, operator, and managing agent for Defendant Bagger Concepts. Defendant M. Alan Gregory may be served at 19515 Wied Road, Suite C, Spring, Texas 77388.

7. Upon information and belief, Defendant Bagger Concepts is believed to be a sole proprietorship of Alan Gregory and is doing business in Texas. It may be served through its owner, principal and/or agent M. Alan Gregory at his principal place of business or home office located at 19515 Wied Road, Suite C, Spring, Texas 77388.

**IV.**  
**BACKGROUND FACTS**

8. Street Star was formed around April 2008 with four members, two husband and wife teams. Defendant Alan Gregory and his wife along with Jamey Joseph and his wife. Each were a 25% member in the company and Jamey Joseph supplied the ideas and money for the venture, Alan Gregory allegedly supplied sweat equity while receiving a salary, and the wives supplied sweat equity.

9. Street Star manufactures, assembles and/or sells a full range of audio products and upgrades that provide a greater and higher quality of audio sound for use on motorcycles. Street Star's signature product is the "LOUD LIDS", which is a product that incorporates an innovative and novel design for an audio speaker for use on a motorcycle. More specifically, the product is an audio speaker system that acts as a lid or cover which attaches to the compartments that are located over the rear wheel of a motorcycle, i.e., "Saddlebags" of the motorcycle. The product provides a customer with the ability to add a built-in amplifier and speaker system which attaches to and serves as a cover for the "saddlebag" compartments on each side of a motorcycle. Plaintiff's "LOUD LIDS" product has enjoyed commercial success and popularity among the relevant consuming public in the field of motorcycle accessories.

**A. Street Star's Federal Trademark Registration**

10. In the course of its business, Street Star has used a variety of legally-protected trademarks since its inception on and in connection with the advertisement and sale of its products. Street Star has used the mark "LOUD LIDS" in association with its signature motorcycle audio system saddlebag cover product. Street Star is the owner of United States Trademark Registration No. 3,693,504 for the mark "LOUD LIDS" which was registered for "[m]otor cycle accessories, namely, saddlebag covers with integrated speaker location" on October 6, 2009. *See* Exhibit A.

11. Street Star's trademark registration is valid subsisting and in full force and effect. Street Star's registration of its trademark constitutes *prima facie* evidence of its exclusive right to use the mark "LOUD LIDS" in connection with the goods identified therein and other commercial goods identified in its trademark registration. The registration of the mark also provides sufficient notice to Defendants of Street Star's ownership and exclusive rights in the "LOUD LIDS" trademark.

12. Street Star's "LOUD LIDS" trademark has been continuously used and has never been abandoned.

13. As a result of its use and promotion, the "LOUD LIDS" trademark has acquired a favorable reputation to relevant consumers in the motorcycle audio accessories industry and as an identifier of Street Star's products, services, and goodwill.

**B. Street Star's Patent-in-Suit**

14. Street Star is also the owner of United States Patent Number D603,760 (the "'760 Patent"), entitled "Combined Speaker Mount and Saddlebag Cover for a Motorcycle", and was duly and lawfully issued on November 10, 2009. A copy of the '760 Patent is attached hereto as Exhibit B.

15. Street Star is the owner by assignment of the '760 Patent and has the right to sue, and recover damages, for infringement of the '760 Patent.

**C. Street Star's Copyright**

16. In the ongoing operations of Plaintiff's business, Plaintiff owns and operates a website located at <www.streetstardesign.com>. See Exhibit C. Plaintiff's website is used as a significant marketing tool which is used to promote its products and provides customers and potential customers with general information regarding the products Plaintiff manufactures and offers for sale in addition to the services which Plaintiff provides. It also provides specific product information for the comprehensive line of the "LOUD LIDS" and related products and other motorcycle accessories and services that Plaintiff offers for sale to the public.

17. Included on the website, are Plaintiff's original expressions in the form of written product descriptions and photographs of Plaintiff's products ("Works"). Plaintiff is the creator and owner of the Works, and those Works are the subject of a copyright application that was submitted to the Copyright Office on March 3, 2011. A copy of Plaintiff's Works which were deposited with the Copyright Office is attached hereto as Exhibit C. Plaintiff has submitted all registration materials to the Copyright Office (application, fee, and deposit materials) and for jurisdiction purposes "registration" has occurred. See *Positive Black Talk, Inc. v. Cash Money Records, Inc.*, 394 F.3d 357, 365 (5th Cir. 2004).

**D. Defendants' Unlawful Acts**

18. Defendant M. Alan Gregory is a member and former employee of Street Star. In early 2009, while acting in the capacity of an employee for Plaintiff, Mr. Gregory's work performance began to deteriorate. Mr. Gregory failed to comply with his obligations as an employee of Street

Star. Mr. Gregory's failure to complete his required employment tasks hurt the ongoing operations of Street Star. Mr. Gregory was responsible for orders which were not completed and/or were significantly delayed. Street Star began receiving customer complaints regarding the delays in receipt of their orders.

19. Around April 2009, Mr. Gregory's employment was terminated. Unbeknownst to Street Star, Mr. Gregory placed a blind carbon copy on all of Street Star's incoming e-mail. Mr. Gregory and Bagger Concepts would receive the same incoming request for information, request for quotes and purchase orders that Street Star received via e-mail. Over the course of the next months, Plaintiff discovered that Mr. Gregory was continuing to sell Street Star's products and was diverting purchase orders to Bagger Concepts and receiving payment for those products. Around December 2009, Plaintiff discovered that Mr. Gregory had formed Defendant Bagger Concepts and was making, using, offering for sale and/or selling the identical saddlebag audio speaker product that Plaintiff offers for sale under its trademark "LOUD LIDS". See Exhibit D. The product is identical to the product manufactured and offered for sale by Street Star and is covered by the '760 Patent. See Exhibit E. In fact, under information and belief, Mr. Gregory was and is using the same manufacturer (who has in his possession the required equipment ("mold") to manufacture the product) who produced the product for Street Star. The product which Defendants have and are making, using, offering for sale and selling is identical to Street Star's product, and contains the identical ornamental design which is the subject of the '760 Patent.

20. Defendants have also adopted and used an identical mark, "Loud Lids", which includes Plaintiff's federally registered trademark, in association with the offer for sale and sale of an identical saddlebag audio speaker product. Defendants' identify the infringing audio speaker

products as “Loud Lids” on their Internet website located at <www.baggerconcepts.com>. *See* Exhibit D.

21. Defendants also include the term “Loud Lids” in the search terms for its website. For instance, when a Internet user enters the search term “Loud Lids” into an Internet search engine, Defendants’ website is retrieved by the search engine due to the listing of “Loud Lids” by the Defendants’ in association with Defendants’ website. *See* Exhibit F. Defendants do not have a license or permission to use Plaintiff’s “LOUD LIDS” trademark in any manner.

21. Furthermore, Defendants have and continues to use Plaintiff’s Works in association with its Internet website. For example, Defendants have and continue to use identical text from Plaintiff’s Works and photographs (taken of Plaintiff’s products) which were created by and are the property of Street Star. By using the Works, Defendant has infringed upon Plaintiff’s exclusive rights as the copyright owner of the Works.

**E. M. Alan Gregory’s Personal Liability**

22. At all times, Defendant M. Alan Gregory had access to and full use of Street Star’s Works, patent information, trademark and proprietary information including books, records, client list, pricing, and e-mail accounts. Defendant M. Alan Gregory is a citizen of Texas who is an has been doing business in his individual capacity and as the owner and/or operator of, or in concert with, Bagger Concept, and is individually liable for the infringing activities described herein. At all relevant times, Mr. Gregory personally participated in and/or had the ability and right to supervise, direct, and control the infringing activities alleged in the Complaint related to Bagger Concepts. Upon information and belief, Mr. Gregory derived direct financial benefits from the infringing activities alleged in this Complaint related to Bagger Concepts.

23. Defendant M. Alan Gregory is also directly competing with Street Star using its own proprietary information and has diverted proprietary information both physically and by digital means. While employed with Street Star as the only day to day managing member, Mr. Gregory diverted the above referenced proprietary information for his direct financial gain to the exclusion of other members. He failed to give an accounting of any and all profits, losses, sales, and business opportunities and has taken this information and used it to compete against Street Star to an unfair advantage.

**COUNT I**  
**(Trademark Infringement, 15 U.S.C. § 1114)**

24. Street Star repeats and realleges the allegations set forth in paragraphs 1-23.

25. Defendants' wrongful use and misappropriation of the "LOUD LIDS" trademark has caused, and will likely continue to cause confusion, to cause mistake, or deceive as to the affiliation, connection, or association of Plaintiff with Defendants or as to the origin, sponsorship, or approval by Plaintiff of Defendants' goods and/or services. Such acts by Defendants constitute trademark infringement in violation of the Lanham Act, 15 U.S.C. §§ 1114 *et seq.*

26. Plaintiff has suffered, and will continue to suffer, damages and injury as a proximate result of Defendants' wrongful acts. Plaintiff's damages and injuries include loss of customer sales, loss of goodwill and reputation, and profits earned by Defendants in connection with their wrongful conduct.

27. As a proximate result of Defendants' actions, Plaintiff has suffered and will continue to suffer great damage to its business, goodwill, reputation, profits, and the strength of its trademark. The injury to Plaintiff is ongoing and irreparable. An award of monetary damages alone cannot fully

compensate Plaintiff for its injuries, and Plaintiff lacks a fully adequate remedy at law.

28. The acts of infringement set forth herein have been and continue to be deliberate, willful, and wanton, making this an “exceptional case” within the meaning of 15 U.S.C. § 1117.

29. Plaintiff is entitled to preliminary and permanent injunctive relief against Defendants as well as all other remedies available under the Lanham Act, including but not limited to compensatory damages, treble damages, disgorgement of profits, and costs and attorneys’ fees. As additional damages, Plaintiff, pursuant to 15 U.S.C. § 1117(a)(1), is entitled to an award of all profits that Defendants obtained using the mark “LOUD LIDS”. In addition, Plaintiff is entitled to a recovery of all reasonable and necessary attorneys’ fees and litigation related costs and expenses incurred in the prosecution of this case pursuant to 15 U.S.C. § 1117(a)(3).

**COUNT II**  
**(Violation of Lanham Act – 15 U.S.C. § 1125(a))**

30. Street Star repeats and realleges the allegations set forth in paragraphs 1-29.

31. Defendants’ misuse of the trademark “LOUD LIDS” constitutes a violation of the Lanham Act, 15 U.S.C. § 1125(a). Defendants’ unauthorized use of the “LOUD LIDS” trademark constitutes a false or misleading designation of origin, fact, or false or misleading representation of fact, concerning the nature, characteristics, qualities, or origin of Defendants’ products and/or services, or commercial activities, including but not limited to any implied or expressed endorsement of Defendants’ goods and/or services by Plaintiff.

32. As a result of Defendants’ wrongful actions, Plaintiffs have suffered actual damages in excess of the minimum jurisdictional amount of this Court. As additional damages, Plaintiff, pursuant to 15 U.S.C. § 1117(a)(1), is entitled to an award of all profits that Defendants obtained

using the mark "LOUD LIDS". In addition, Plaintiff is entitled to a recovery of all reasonable and necessary attorneys' fees and litigation related costs and expenses incurred in the prosecution of this case pursuant to 15 U.S.C. § 1117(a)(3).

**COUNT III  
(Patent Infringement)**

33. Street Star repeats and realleges the allegations set forth in paragraphs 1-32.

34. Defendants have and now are directly infringing the '760 Patent in this judicial district and elsewhere in the United States. Infringements by Defendants include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, products that infringe upon the '760 Patent. By making, using, importing, offering for sale, and/or selling a products which are covered by the '760 Patent, Defendants are liable for infringement of the '760 Patent pursuant to 35 U.S.C. § 271.

35. Defendants have committed these infringing acts wilfully and without a license from Plaintiff.

36. As a result of Defendants' infringement of the '760 Patent, Plaintiff has suffered monetary damage and are entitled to recover those damages, including Defendants' profits, pursuant to 35 U.S.C. §§ 275 & 279.

**COUNT IV  
(Copyright Infringement)**

37. Street Star repeats and realleges the allegations set forth in paragraphs 1-36.

38. Plaintiff has filed an application, fee and deposit with the United States Copyright Office to obtain registration of Plaintiff's Works.

39. Plaintiff is the owner of the Works that were deposited with the Copyright Office.

40. Defendants have infringed upon Plaintiff's copyright in the Work in violation of 17 U.S.C. § 501.

41. Defendants have willfully infringed Plaintiff's copyright.

42. Defendants acts have irreparably damaged Plaintiff and, unless enjoined, will continue to irreparably damage Plaintiff. Plaintiff has no adequate remedy at law for these wrongs and injuries. Plaintiff is therefore entitled to a preliminary and permanent injunction restraining and enjoining Defendants and their employees, agents, servants, attorneys, and all persons acting in concert with them from infringing Plaintiff's copyright.

43. In addition to injunctive relief, Plaintiff is entitled to recover all damages sustained as a result of Defendants' unlawful conduct including, (1) Defendants' profits or (2) Plaintiff's damages.

**COUNT V**  
**(Violation of Texas Anti-Dilution Statute, Section 16.29,**  
**Texas Business and Commerce Code)**

44. Street Star repeats and realleges the allegations set forth in paragraphs 1-43.

45. Plaintiffs are entitled to preliminary and permanent injunctive relief against Defendants under the provisions of Section 16.29, Texas Business and Commerce Code. Section 16.29 provides in pertinent part:

**§ 16.29. INJURY TO BUSINESS REPUTATION OR TRADE NAME OR MARK**

A person may bring an action to enjoin an act likely to injure a business reputation or to dilute the distinctive quality of a mark registered under this chapter or Title 15, U.S.C., or a mark or trade name valid at common law, regardless of whether there is competition between the parties or confusion as to the source of goods or services.

46. Defendants have violated Section 16.29 due to their unauthorized use of Plaintiff's

“LOUD LIDS” trademark. Defendants’ use of Plaintiff’s “LOUD LIDS” trademark has and is likely to continue to injure the business reputation and/or dilute the distinctive quality of Plaintiff’s mark. Upon final judgment in this case, Plaintiff seeks entry of a preliminary and permanent injunction against Defendants indefinitely and permanently restraining and enjoining them from using the mark “LOUD LIDS” in direct or indirect competition with Plaintiff.

**COUNT VI**  
**(Common Law Unfair Competition)**

47. Street Star repeats and realleges the allegations set forth in paragraphs 1-46.

48. In addition to the foregoing unlawful acts described above, Defendants’ use of the mark “LOUD LIDS” constitutes unfair competition in violation of the common law of the State of Texas.

49. Defendants have misappropriated the core of Plaintiff’s name and trademark that is used by Plaintiff to distinguish its goods and services from those sold and offered for sale by others. Defendants’ use of the mark “LOUD LIDS” induces consumers to purchase goods and/or services under a false impression as to their origin or ownership and thus provides an opportunity for business to Defendants that properly belongs to Plaintiff. Plaintiff has a protectable interest in the mark “LOUD LIDS”. Defendants’ use of the “LOUD LIDS” mark is likely to cause confusion and to otherwise mislead the public.

50. As a result of Defendants’ wrongful actions, Plaintiff has suffered damages in excess of the minimal jurisdictional amount of this Court. Furthermore, upon information and belief, Defendants’ wrongful actions were committed knowingly, wantonly, maliciously, and/or in conscious and reckless disregard of Plaintiff’s rights, warranting the imposition of punitive damages

against each Defendant in an amount in excess of the minimal jurisdictional amount of this Court.

**COUNT VII  
(Common Law Unjust Enrichment)**

51. Street Star repeats and realleges the allegations set forth in paragraphs 1-50.

52. By reason of the foregoing, Defendants have unjustly enriched themselves and will continue to do so in an unknown amount.

53. Plaintiff is entitled to just compensation under the common law of the State of Texas.

**COUNT VIII  
(Misappropriation of Trade Secrets)**

54. Street Star repeats and realleges the allegations set forth in paragraphs 1-53.

55. Defendants' conduct in taking Plaintiff's confidential and proprietary information including but not limited to the books, records, vendor lists, client lists, pricing information, and diverting e-mail is a misappropriation of trade secrets for which Plaintiff has been damaged.

56. Plaintiff seeks damages for Defendants' conduct an amount of which can not be accurate calculated until a forensic accounting and search of computer records can be performed.

**COUNT IX  
(Breach of the Company Agreement)**

57. Street Star repeats and realleges the allegations set forth in paragraphs 1-56.

58. Defendants' conduct violates the implied covenants of good faith and fair dealing in the company agreement between all members as well as the express terms that the individual members would work toward "the development of the patents, grow the company to a massive size and retire on the profits." Plaintiff has been damaged due to Defendants' conduct and its business opportunities have been reduced, sales, non-existent, and manufacturing stopped all together because

the vendor making the molds has refused to do business with Street Star and refuses to return the mold.

59. Plaintiff's damages are unknown at this time but the damage are irreparable thus far because of the loss of business opportunity and loss of business reputation related to product identity.

At a minimum, Plaintiff seeks an injunction to stop Defendants (or anyone acting in concert with them) from using their proprietary information, documents, and material and disgorgement of all profits and gross sales of Defendants.

60. Absent the injunction, there is no adequate remedy at law because disgorgement of profits will not and can not make Plaintiff whole.

**COUNT X**  
**(Breach of duty of loyalty and care)**

61. Street Star repeats and realleges the allegations set forth in paragraphs 1-60.

62. While Defendant Gregory was employed by Street Star as the day to day manager, he began a course of conduct of denuding Street Star of all of its valuable assets and information to the point that Street Star was merely a shell company. This conduct was a breach of Defendant Gregory's duty of loyalty and care to Plaintiff.

63. As a result of this conduct, Plaintiff has been damaged and seeks disgorgement of all profits of Defendants.

**COUNT XI**  
**(Suit for an Accounting)**

64. Street Star repeats and realleges the allegations set forth in paragraphs 1-63.

65. Finally, because of Defendants' conduct listed herein Plaintiff seeks an accounting of all books and records of Defendants to answer for the profits and gross sales of Defendants.

66. To the extent available for the above causes of action, Plaintiff seeks all of its attorney fees for the prosecution of this suit. contemporaneously with the filing of this suit, Plaintiff has given notice to Defendants of its claims pursuant to Tex. Civ. Prac. & Rem. Code §38.001 et seq.

67. To the extent the books and records of Defendants are lost, destroyed or missing, Plaintiff seeks a presumption of evidence under Federal and Texas rules of evidence of spoliation of evidence.

### **JURY DEMAND**

68. Plaintiff respectfully requests a trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment against Defendants as follows:

A. Finding that (i) Defendants have violated Section 32 of the Lanham Act (15 U.S.C. § 1114); Section 43(a) of the Lanham Act (15 U.S.C. 1125(a)); (ii) Defendants have violated Section 501 of the Copyright Act (17 U.S.C. § 501); (iii) Defendants have violated Section 35 of the Patent Laws of the United States; (iv) Defendants have violated Section 16.29 of the T.B.C.C.; (v) Defendants have engaged in trademark infringement and unfair competition in violation of Texas common law; and (vi) Defendants have been unjustly enriched in violation of Texas common law.

B. Granting an injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, 17 U.S.C. § 1116, 17 U.S.C. § 502, and § 16.29 T.B.C.C., preliminarily and permanently restraining and enjoining Defendants, their officers, agents, employees, and attorneys, and all those persons or entities in active concert or participation with them from:

(1) making, using, selling, offering for sale, importing, and/or selling the “LOUD

LIDS” product or any other product which is covered by the ‘760 Patent;

(2) making, importing, advertising, marketing, promoting, supplying distributing, offering for sale, or selling any product which bears the mark “LOUD LIDS”, or any other mark that is substantially similar or confusing thereto, including, without limitation, the infringing products identified herein, and engaging in any other activity constituting an infringement of Plaintiff’s trademark;

(3) engaging in any other activity constituting unfair competition with Plaintiff, or acts and practices that deceive consumers, the public, and/or trade, including, without limitation, the use in any manner of Plaintiff’s trademark LOUD LIDS;

(4) engaging in any other activity that will cause the distinctiveness in Plaintiff’s trademark to be diluted;

(5) using, distributing, or infringing in any way, either directly or indirectly, Plaintiff’s Works.

C. Awarding actual damages suffered as a result of the copyright infringement, and any profits of Defendants not taken into account in computing the actual damages, pursuant to 17 U.S.C. § 504;

D. Ordering Defendants to account to and pay to Plaintiff all profits realized by their wrongful acts and awarding Plaintiff its actual damages, and also directing that such profits or actual damages be trebled, in accordance with 15 U.S.C. § 1117;

E. Ordering Defendants to account to and pay to Plaintiff all profits realized by their wrongful acts of patent infringement pursuant to 35 U.S.C. 289;

F. Awarding Plaintiff its costs, attorneys’ fees, and expenses to the full extend provided

by 15 U.S.C. § 1117 and 17 U.S.C. § 505; and Tex. Civ. Prac. & Rem. Code §38.001 *et seq.*;

G. Awarding Plaintiff pre-judgment interest on any monetary damage award made part of the judgment against Defendants; and

H. Awarding Plaintiff such additional and further relief as the Court deems just and proper.

Respectfully submitted,

**MEYER, KNIGHT & WILLIAMS, LLP**

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